

Remarks

The forgoing amendment has been made after a careful review of the present application, the references of record, and the Office Action dated November 26, 2004.

In the Office Action, the examiner required the filing of corrected drawings that conform with the corrections set forth in the amendment of August 13, 2004. The examiner also retracted the rejections of the claims under 35 USC 112. Claims 1 through 10 were rejected under 35 USC 103(a) as being unpatentable over Walsh in view of Wilton, claim 2 was rejected under 35 USC 103 (a) as being unpatentable over Walsh in view of Wilton and in further view if Wynn, and claims 4, 7, and 12 were rejected under 35 USC 103(a) as being unpatentable over Walsh in view of Wilton in further view of Sines. Claim 5 was rejected as being unpatentable under 35 USC 103(a) over Walsh in view of Wilton and in further view of Parra and claims 6 and 11 were rejected under 35 USC 103(a) as being unpatentable over Walsh, Wilton, and Jones. Claims 8 and 9 and claims 13 and 14 were also rejected under 35 USC 103(a) as being unpatentable over Walsh in view of Wilton and in further view of Breeding.

Formal drawings incorporating the prior amendments made thereto are included herewith as requested by the examiner.

In the forgoing amendment, the applicant has amended claim 1 to more clearly recite that the unitary member has two portions, a first portion extending vertically and a second portion extending horizontally from the upper end of the vertical portion. The applicant submits that this additional language further clarifies the structure and is identical to the language already set forth in claim

10. Since claim 10 is the broader of the two claims, in that it does not specifically claim the table, the applicant submits that the amendment of claim 1 to conform with the corresponding language in claim 10 does not constitute an amendment so as to require a search. The addition of the word "and" in claims 1 and 10 merely makes the change more readable and does not change the meaning of the claims.

In rejecting the claims of the present application, the examiner has now relied upon the Wilton reference and states that Wilton teaches a pedestal including a base "and a unitary member extending vertically from the base until an upper end..." Admittedly, the base of Wilton is a unitary member; however, both claim 1 and claim 10 require that the pedestal include a base "and a unitary member attached thereto said unitary member having a first portion extending vertically from said base..." and having "a horizontal second portion of said unitary member attached to said upper end of said first portion." It is clearly the intent of the amendment filed August 13, 2004 to describe a unitary member extending from the base that includes a first vertical portion and a second horizontal portion as evidenced by the remarks that followed that amendment. Specifically, beginning on page 10 line 19 through line 5 on page 11 of those remarks it is stated that "the amended claims 1 and 10, however, set forth that the post and extension are portions of a unitary member, which support a canopy 56 having a camera mounted thereon over the gaming table 11. As explained on page 8 lines 5 through 16 (of the specification), if the gaming table 11 is exchanged for a table having a different configuration 'a pedestal and canopy 56 suitable for use with the table of the second game can be substituted for that

used with the first game.’ The camera crane of Chapman, on the other hand, has an upwardly extending boom with a plurality of hinges along its length, such that the boom is clearly not a ‘unitary member’ as required by amended claims 1 and 10.”

In the current Office Action, made final, the examiner has relied upon the Wilton reference, but the applicant submits that the vertical and horizontal portions of Wilton are no more a unitary member than are the corresponding parts of the crane of Chapman. Specifically, as shown in Fig. 5 of Wilton, the horizontal portion of the arm has hinges (unnumbered) which permit the arm to alter the extension of the length thereof and the arm appears to be pivotally mounted on a post assembly (also unnumbered) so as to be rotatable around an axis that is near the axis of the vertical post. The applicant submits that this articulating assembly is clearly not “unitary” as required by amended claims 1 and 10. The rejection of claims 1 and 10 as being unpatentable over Walsh in view of Wilton is therefore not well founded.

The remaining claims in the application are all dependent upon either claim 1 or claim 10. None of the references cited with respect to the other claims, namely Wynn, Sines, Parra, and Jones, disclose a supporting structure that includes a unitary member extending from a pedestal having a vertical portion and a horizontal portion to which a canopy can be attached as required by claims 1 and 10 and by all the claims dependent thereon. Accordingly, the dependent claims are all allowable for the same reasons set forth with respect to claims 1 and 10.

The examiner has provided the applicant with a number of references for his review, and as recommended by the examiner, the applicant's attorney has reviewed all the references cited. Admittedly, the references disclose many methods by which a video camera, a still camera, or a light, may be mounted on an upwardly extending support. In general, each of the devices is intended for a specific purpose and the claims to elements different from any other combination of elements of prior references where the combination serves the purpose for which the invention was developed. The mere fact that there have been a great number of prior methods of mounting a camera did not prevent the issuance of a new patent to a structure that serves its purpose. Referring briefly to some of the more recently issued patents cited by the examiner, Caincio US patent no. 5,449,138 discloses an arm pivotally mounted at the upper end of a horizontally adjustable tripod. The tripod and the various pivots disclosed in Caincio were all well known prior to their assemblance together in the device disclosed and for which the patent was issued. In similar fashion, Ogawa US patent no. 5,384,609 discloses a tripod and camera combination with the camera portion pivotally mounted at the upper end of the tripod. At the time this patent was issued, most of the other references cited by the examiner were already known in the prior art, and yet these references did not prevent the issuance of the Ogawa patent. In similar fashion, Yamane US patent no. 5,978,028 was issued in 1999 and relates to a support for a camera where the camera could be mounted on the support in either of two positions. Again, the bulk of the prior art cited by the examiner was in existence.

The device of the present invention is useable with a casino table and it permits a casino to modify its gaming floor to provide gaming tables in locations previously not intended to receive such tables. Also, a casino having tables with observation devices in accordance with the present invention can readily change the types of games positioned on the gaming floor without making major changes to the ceilings of the establishment. The applicant believes that the structures that allow the present invention to occur are every bit as patentable as the structures patented by the more recent inventors of patents cited by the examiner, since they are not shown in the prior art.

As stated above, the applicant has examined all the references cited by the examiner and reasserts his position that none of those references disclose a unitary member supporting a canopy that includes a camera directable at a table as required by claims 1 and 10. Similarly, those dependent upon claims 1 and 10 are likewise allowable.

In view of the forgoing, it is the position of the applicant that the claims of the present application are in condition for allowance, and favorable reconsideration and allowance is requested.

Respectfully submitted,



Robert L. Marsh
Attorney for the Applicant
Registration No. 25894
630-681-7500
630-681-3464 (fax)

RLM:ksc